

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

**DATE:** October 23, 2017  
**TIME:** 10:00 a.m.  
**LOCATION:** Room A501, Lazarus Building  
50 W. Town St., Columbus, OH 43215

Pursuant to sections 5162.02, 5164.02, and 5165.02 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Medicaid gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Proposed for Rescission

Rule 5160-3-01.1, entitled "Authorization for the Ohio department of developmental disabilities (DODD) to administer the medicaid program for services provided by intermediate care facilities for the mentally retarded (ICFs-MR)" sets forth the provisions for DODD to administer Medicaid program services provided by ICFs-IID. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for rescission, and is being replaced by new rule 5160-3-90.

Proposed for Adoption

Rule 5160-3-90, entitled "Authorization for the Ohio department of developmental disabilities (DODD) to administer the medicaid program for services provided by intermediate care facilities for individuals with intellectual disabilities (ICFs-IID)" sets forth the provisions for DODD to administer Medicaid program services provided by ICFs-IID. This rule replaces rule 5160-3-01.1, which is being rescinded. A new rule is being adopted due to a change in rule number. The differences between this rule and rescinded rule 5160-3-01.1 are:

- The term "intermediate care facility for the mentally retarded (ICF-MR)" is being replaced with "intermediate care facility for individuals with intellectual disabilities (ICF-IID)" due to a change in terminology.
- The Department's name is being updated from the Ohio Department of Job and Family Services (ODJFS) to the Ohio Department of Medicaid (ODM) because of the creation of the Ohio Department of Medicaid.
- Ohio Revised Code citations are being updated because Am. Sub. HB 59 of the 130<sup>th</sup> General Assembly created the Ohio Department of Medicaid, and subsequently relocated and reorganized many Revised Code provisions governing the Medicaid program.
- In paragraph (A), a date is being added to a Code of Federal Regulations (C.F.R.) citation in order to comply with Joint Committee on Agency Rule Review (JCARR) rule filing requirements.
- In paragraph (B), a typographical error is being corrected.

Proposed for Amendment

Rule 5160-3-04, entitled "Nursing facilities (NFs): payment during the Ohio department of

medicaid (ODM) administrative appeals process for denial or termination of a provider agreement" sets forth payment provisions during the ODM administrative appeals process for the denial or termination of a nursing facility's Medicaid provider agreement. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for amendment. The changes to the rule are:

- The rule title is being modified to be consistent with the titles of other nursing facility rules in Chapter 5160-3 of the Administrative Code.
- Regarding nursing facility provider agreements, the term "non-renewal" is being updated to "non-revalidation" due to a change in terminology.

Rule 5160-3-04.1, entitled "Nursing facilities (NFs): payment during the survey agency's administrative appeals process for termination or non-renewal of medicaid certification" sets forth payment provisions during the state survey agency administrative appeals process for the proposed termination or non-renewal of a nursing facility's Medicaid certification. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for amendment. The changes to the rule are:

- The rule title is being modified to be consistent with the titles of other nursing facility rules in Chapter 5160-3 of the Administrative Code, and to be more descriptive.
- The Department's name is being updated from the Ohio Department of Job and Family Services (ODJFS) to the Ohio Department of Medicaid (ODM) because of the creation of the Ohio Department of Medicaid.
- Regarding Medicaid provider agreements, the term "non-renewal" is being updated to "non-revalidation" due to a change in terminology.
- Ohio Revised Code citations are being updated because Am. Sub. HB 59 of the 130<sup>th</sup> General Assembly created the Ohio Department of Medicaid, and subsequently relocated and reorganized many Revised Code provisions governing the Medicaid program.
- In paragraphs (C)(1)(a) and (C)(2)(a), language is being corrected to accurately reflect the provisions in the Revised Code sections being cited.

A copy of the proposed rules is available, without charge, to any person at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Written and oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Medicaid, Office of Legal Counsel, 50 W. Town Street, Suite 400, Columbus, Ohio 43215-3414, by fax at (614) 995-1301, or by e-mail at [Rules@Medicaid.Ohio.gov](mailto:Rules@Medicaid.Ohio.gov). Testimony received may be reviewed at this address.